UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/784,872	PARISH, SANDY
	Examiner	Art Unit	
	James H Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-10,13,14,16,18 and 21-39* is/are pending in the application.

    4a) Of the above claim(s) *2,3,11,12,15,17,19 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-10,13,14,16,18 and 21-26* is/are rejected.

7)☒ Claim(s) *27-39* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Amendment A, received 07/15/04.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 14 are directed to non-statutory subject matter. Claim 14, which depends on Claim 13, uses the phrase "computer readable medium". However, included among the list of possible "mediums" is a "data signal embodied in a carrier wave" (emphasis added). A carrier wave is not a tangible medium and is therefore not statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-9, 13-14, 16, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (hereinafter Kanevsky, U.S. Patent No. 6,665,642) in view of IBM ("Tool to Aid Translation of Web Pages into Different National Languages", IBM Technical Disclosure Bulletin, 01/1998, NN9801223).

In regard to independent Claim 1 (and similarly independent Claims 13, 16, and 18), <u>Kanevsky</u> teaches an Initial HTML Parsing Module (405) parses the HTML (*reading a computer file containing HTML tags and scripts*) that constitutes the input web page, which is in a format unsuitable for a special needs user, and also downloads the various resources, applets, etc. that are indicated in the HTML. The elements of the web page, as indicated by the web page such as text, fonts, relative positions, etc. (*identifying character strings located between the HTML tags and within the scripts*) (one could reasonably assume that scripts, applets are included in this set) are then translated into tokens (Col. 10, lines 47-54). <u>Kanevsky</u> also teaches that the results of the initial parsing, the tokens and downloaded resources are all stored in a single cache file of the Master Input Cache (415) (Col. 10, lines 56-59; compare with Claim 1 (and similarly Claims 13, 16, and 18), ***"... generating a modified version of the computer file by replacing the identified character strings with variables"***). <u>Kanevsky</u> fails to teach *generating an include file containing the variables and associated character strings.* However, <u>IBM</u> teaches a tool for building national language web pages given a source HTML file containing both HTML tags and text (Par. 1). Though a GUI, the tool allows the user to highlight the text to be translated in a source HTML file using a mouse. When the appropriate text has been highlighted it can be put into a template file (created automatically) with a mouse click (*generating an include file containing the variables and associated character strings*). The template file shows text that was highlighted in the source file and an associated token; one token per text selection, the token generated automatically. The template file is built up. What is left is a skeleton

source file containing all the HTML tags, tokens for the selected text and any remaining

text that is not to be translated (Par. 2). IBM does not explicitly teach *adding a reference*

to the include file in the modified version of the computer file. However, considering that

tokens are left in the source and the template, there is a means for associating the two

files. This fact would have made it obvious to one of ordinary skill in the art at the time of

invention to combine the teachings of Kanevsky and IBM by concluding that

components of, and hence the entire template file was referenced in the modified

source file. The benefit would have been to allow multiple translations to take place and

be stored separately for future use. IBM continues to teach that the template file

containing text to be translated (and the associated token that relates it to the source

HTML file) can be sent to translation centers to be translated (*translating character*

strings of the include file to a language different than that of the character strings in the

original computer file) (Par. 3). IBM does not explicitly teach that *adding a reference to*

the include file comprises adding a reference to the translated include file. However,

IBM does imply that a translated template file exists with the untranslated template file.

One could conclude that the tokens would have been copied to the translated version of

the template version during the translation process otherwise the association between

the template and the source file via the tokens would have been broken. IBM does not

teach *storing the modified version of the computer file and the include file in a Web*

server connected to the Internet. However, Kanevsky teaches that in Fig. 1A, a

Translator/Mediator Server (130A), a Web Server (120), and a Special Needs User's

Web Browser are connected to the Internet (140). After receiving a request from the

Special Needs User's Web Browser (110) (as shown in Figs. 2A and 2B), Web Server

(120) transmits a web page to Translator/Mediator Server (130A). Translator/Mediator

Server (130A) translates the web page and transfers it to the Special Needs User's Web

Browser (110). In this embodiment, the server operating as Translator/Mediator Server

(130A) may be physically located anywhere, as long as it maintains a connection with

the Internet (140) (Col. 6, lines 9-20). As stated previously, this server performs

translations on web pages requested by a user. The results of the initial parsing, the

tokens and downloaded resources are all stored in a single cache file of the Master

Input Cache (415), which is part of the server. Also, compare the claim *adding a*

reference to a translated version of the include file based on a user requesting a Web

page from the Web server with what <u>Kanevsky</u> and <u>IBM</u> has taught above.

In regard to dependent Claims 5 and 9 (included in 5), <u>Kanevsky</u> teaches that the

elements of the web page, as indicated by the web page such as text, fonts, relative

positions, etc. (*identifying character strings located between the HTML tags and within*

the scripts) (one could reasonably assume that scripts, applets are included in this set)

are then translated into tokens (Col. 10, lines 47-54; compare with Claims 5 and 9

(included in 5), *"... **temporarily replacing comments, scripts, and HTML tags of the***

computer file with tokens"). Though <u>Kanevsky</u> does not explicitly teach *replacing*

comments and scripts with tokens, it would have been obvious to one of ordinary skill in

the art at the time of invention to conclude that elements of the web page in addition to

those defined by <u>Kanevsky</u> would have been converted to tokens, providing the benefit

of making the tokens useable by the other modules in the Universal Translator/Mediator Server.

In regard to dependent Claim 6, Kanevsky teaches that the elements of the web page, as indicated by the web page such as text, fonts, relative positions, etc. (one could reasonably assume that scripts, applets are included in this set) are then translated into tokens (Col. 10, lines 52-54; compare with Claim 6, *"... parsing the scripts"*). Though Kanevsky does not explicitly teach parsing the scripts, it would have been obvious to one of ordinary skill in the art at the time of invention to conclude that elements of the web page in addition to those defined by Kanevsky would have been parsed converted to tokens, providing the benefit of making the tokens useable by the other modules in the Universal Translator/Mediator Server.

In regard to dependent Claim 7, Kanevsky fails to explicitly teach *replacing the tokens with the corresponding comments, scripts, and HTML tags after the scripts are parsed*. However, IBM teaches that once the template file containing text to be translated and tokens had been translated, the tokens in the source are replaced with the translated text in a single operation (Par. 4). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kanevsky and IBM allowing the translated web page to be viewed by the user.

In regard to dependent Claim 8, Kanevsky teaches an Initial HTML Parsing Module (405) parses the HTML that constitutes the input web page, which is in a format unsuitable for a special needs user, and also downloads the various resources, applets, etc. that are indicated in the HTML. The elements of the web page, as indicated by the

web page such as text, fonts, relative positions, etc. (one could reasonably assume that scripts, applets are included in this set) are then translated into tokens (Col. 10, lines 47-54; compare with Claim 8, *"... parsing the scripts comprises identifying HTML tags and text strings located within the scripts"*). One could argue that parsing a script for tags and text strings would be equivalent to parsing the original HTML file for tags and text strings.

In regard to dependent Claim 14, <u>Kanevsky</u> does not specifically teach *the computer readable medium is selected from the group comprising of CD-ROM, zip disk, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to store the claimed computer code on a storage device providing the benefit of reuse of the computer code.

In regard to dependent Claim 21, <u>Kanevsky</u> teaches transforming web pages for users with special needs. By definition, one presumes that the web pages referred to contain HTML tags. In addition, <u>IBM</u> states that its tool operates on a source, which is an HTML file that contains both HTML tags and text (Par. 1; compare with Claim 21, *"... the computer file is an HTML file containing HTML tags"*). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of <u>Kanevsky</u> and <u>IBM</u> since both deal with HTML sources with HTML tags, providing the benefit of distinguishing text that needs to be translated.

Claims 4, 10, and 22-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kanevsky in view of IBM and in further view of Lakritz (U.S. Patent

No. 6,623,529).

In regard to dependent Claim 4 (and similarly dependent claims 10, 22, and 26),

neither Kanevsky nor IBM specifically teaches that *the computer file is an ASP file or a*

VBScript file. However, Lakritz teaches a computer file that can contain HTML and

scripting (Col. 7, lines 49-54). Likewise, it is well known that ASP and VBScript files also

contain HTML and scripting of some sort. It would have been obvious to one of ordinary

skill in the art at the time of invention to combine the teachings of Kanevsky, IBM, and

Lakritz as all three inventions deal with translating files. Adding Lakritz includes the

possibility of translating files containing both HTML and scripting such as those claimed.

In regard to dependent Claim 23, Kanevsky teaches that the web page contains

various resources, applets, etc. that are indicated in the HTML (Col. 10, lines 39-42;

compare with Claim 23, *"... the computer file contains scripts"*). One can reasonably

conclude that scripts could be included in the resources.

In regard to dependent Claim 24, Kanevsky teaches that the elements of the web

page, as indicated by the web page such as text, fonts, relative positions, etc. (one

could reasonably assume that scripts, applets are included in this set) are then

translated into tokens (Col. 10, lines 47-54; compare with Claim 6 (and similarly Claim

24), *"... parsing the scripts"*). Though Kanevsky does not explicitly teach *parsing the*

scripts, it would have been obvious to one of ordinary skill in the art at the time of

invention to conclude that elements of the web page in addition to those defined by

Kanevsky would have been parsed converted to tokens, providing the benefit of making the tokens useable by the other modules in the Universal Translator/Mediator Server.

In regard to dependent Claim 25, neither Kanevsky nor IBM explicitly teach *generating a reference file comprises generating a server side include file*. However, Lakritz teaches that the invention provides special tags that are used to insert language or country-specific content into an HTML document. The tags are: Multi-country server-side includes (MCSSI); and Multi-language server-side includes (MLSSI). MCSSI allows locale-specific elements of an HTML document to be dynamically included as a function of the current region or country, while MLSSI allows localized elements of an HTML document to be included as a function of the current language (Col. 5, lines 41-49). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kanevsky, IBM, and Lakritz because all three inventions deal with translating documents. Lakritz adds the benefit of dynamically including locale-specific elements of an HTML document as a function of the current region or country.

Allowable Subject Matter

Claims 27-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-10, 13-14, 16, 18, and 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

James H. Blackwell
01/07/05